

vehicle to use a dedicated commuter lane is affixed to the broken windshield, the Service may issue a replacement decal. The program participant must submit a properly executed Form I-823, Application—Dedicated Commuter Lane Program, without fee, as well as a receipt, properly documented with the Vehicle Identification Number and the vehicle license tag number, for the purchase of a new windshield.

Dated: January 18, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95-7629 Filed 3-28-95; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Parts 235 and 242

[INS No. 1616-93]

RIN 1115-AD50

List of Countries for Which Privilege of Communication is Allowed

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule revises the list of countries with which the United States has existing treaties requiring immediate communication with appropriate consular or diplomatic officers whenever nationals of those countries are detained in exclusion or expulsion proceedings. This rule is necessary to ensure that foreign nationals who are arrested by immigration officers in the United States will be aware of their privilege of communication with the consular or diplomatic officers of the country of his or her nationality. It is also necessary that immigration officers be kept abreast of changes of United States treaty obligations that require mandatory notification to certain countries when nationals of those countries are arrested. When aliens are detained by the Immigration and Naturalization Service (INS) officers at ports of entry, consular or diplomatic officers must be notified as presently required in 8 CFR 242 for deportation proceedings. Therefore, a addition will be made at 8 CFR 235 to make clear that the notification requirement applies equally in exclusion proceedings. This revision will have an impact on ensuring that the treaty rights of foreign nationals are protected.

DATES: This interim rule is effective March 29, 1995. Written comments must be submitted on or before May 30, 1995.

ADDRESSES: Please submit written comments, in triplicate, to the Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., Room 5307, Washington, DC 20536 Attention: Public Comment Clerk. To ensure proper handling please reference INS number 1616-93 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514-3038 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT:

Ira L. Frank, Senior Special Agent, Investigations Division, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, telephone (202) 514-0747.

SUPPLEMENTARY INFORMATION: A number of changes are necessary to revise 8 CFR 242.2(g), the regulation that ensures immediate communication with appropriate consular or diplomatic officers whenever nationals of particular countries with which we have existing treaties are detained in exclusion or expulsion proceedings. A cross reference is being made to part 235 by adding a subsection, 235.3(g), to make clear that the mandatory notification requirement applies equally to exclusion and deportation proceedings.

Three countries, Malawi, Kenya, and Uganda are being removed from the list of countries for which consular notification is mandatory. The United States-United Kingdom consular convention which made notification mandatory is no longer in effect for these three countries, although it was in effect for a time after they became independent.

Other countries removed from the mandatory notification list include Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Gabon, Federal Republic of Germany, Guatemala, Holy See, Honduras, Iraq, Ireland, Italy, Laos, Lesotho, Liechtenstein, Luxembourg, Madagascar, Mali, Mexico, Nepal, New Zealand, Niger, Oman, Pakistan, Panama, Paraguay, Portugal, Republic of China, Rwanda, Senegal, Somalia, Spain, Sweden, Switzerland, Tunisia, Uruguay, Upper Volta, Venezuela, Republic of Viet-Nam, and Yugoslavia. These countries have been removed because the Service has been informed by the Department of State that there has never been an obligation required by treaty to provide mandatory notification. Henceforth, the listing will

only reflect those countries that do have treaties with the United States.

The disintegration of the Union of Soviet Socialist Republics (USSR) causes us to list the twelve Soviet successor states separately. The twelve states are: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

We are also, however, listing "Union of Soviet Socialist Republics (USSR)," with a footnote listing the twelve successor states and noting that they continue to be covered by the mandatory notice provision of the United States-USSR consular convention. Including "USSR" with a footnote as a safeguard is advisable for the time being, since some nationals of the successor states may still be travelling on USSR passports.

Due to the break up of Czechoslovakia, the Czech and Slovak Republics will be listed separately as mandatory notification countries. The consular convention with Czechoslovakia, which contained a mandatory notification provision, remains in force with respect to both new countries.

Other countries being added to the mandatory notification list as a result of treaties with the United States include Albania, Antigua, Bahamas, Barbados, Belize, Brunei, Bulgaria, Dominica, Grenada, Kiribati, Mongolia, St. Kitts/Nevis, St. Lucia, St. Vincent/Grenadines, Seychelles, South Korea, and Tuvalu.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(d)(3). The reasons and the necessity for immediate implementation of this interim rule are as follows: The treaties to which the United States is a signatory require immediate communication with appropriate consular or diplomatic officers whenever nationals of particular countries are detained in exclusion or expulsion proceedings. Accordingly, implementation of this requirement cannot be delayed without the United States being in violation of its treaty obligations.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that the rule will not have a significant economic impact on a substantial number of small entities

because of the following factors. The rule primarily concerns matters of agency records and proof of facts at administrative hearings that do not concern small entities.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulations proposed herein will not have substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12606

The Commissioner of the Immigration and Naturalization Service certifies that she has assessed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation has no impact on family well-being.

List of Subjects

8 CFR Part 235

Administrative practice and procedure, Aliens, Detention, Immigration, Port of entry, Reporting and recordkeeping requirements.

8 CFR Part 242

Administrative practice and procedure, Aliens.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The authority citation for part 235 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

2. In § 235.3, a new paragraph (g) is added to read as follows:

§ 235.3 Detention and deferred inspection.

* * * * *

(g) *Privilege of communication.* The mandatory notification requirements of consular and diplomatic officers

pursuant to 8 CFR 242.2(g) apply to exclusion proceedings.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

3. The authority citation for part 242 continues to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1186a, 1251, 1252, 1252 note, 1252b, 1254, 1362; 8 CFR part 2.

4. In § 242.2, paragraph (g) is revised to read as follows:

§ 242.2 Apprehension, custody, and detention.

* * * * *

(g) *Privilege of communication.* Every detained alien shall be notified that he or she may communicate with the consular or diplomatic officers of the country of his or her nationality in the United States. Existing treaties require immediate communication with appropriate consular or diplomatic officers whenever nationals of the following countries are detained in exclusion or expulsion proceedings, whether or not requested by the alien and even if the alien requests that no communication be undertaken in his or her behalf:

Albania¹
Antigua
Armenia
Azerbaijan
Bahamas
Barbados
Belarus
Belize
Brunei
Bulgaria
China (People's Republic of)²
Costa Rica
Cyprus
Czech Republic
Dominica
Fiji
Gambia, The
Georgia
Ghana
Grenada
Guyana
Hungary
Jamaica
Kazakhstan
Kiribati
Kuwait
Kyrgyzstan
Malaysia
Malta
Mauritius
Moldova
Mongolia
Nigeria
Philippines
Poland
Romania
Russian Federation

St. Kitts/Nevis
St. Lucia
St. Vincent/Grenadines
Seychelles
Sierra Leone
Singapore
Slovak Republic
South Korea
Tajikistan
Tanzania
Tonga
Trinidad/Tobago
Turkmenistan
Tuvalu
Ukraine
United Kingdom³
U.S.S.R.⁴
Uzbekistan
Zambia

1. Arrangements with these countries provide that U.S. authorities shall notify responsible representatives within 72 hours of the arrest or detention of one of their nationals.

2. When Taiwan nationals (who carry "Republic of China" passports) are detained, notification should be made to the nearest office of the Coordination Council for North American Affairs, the unofficial entity representing Taiwan's interests in the United States.

3. British dependencies are also covered by this agreement. They are: Anguilla, British Virgin Islands, Hong Kong, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

4. All U.S.S.R. successor states are covered by this agreement. They are: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

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Dated: March 23, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 92 and 98

[Docket No. 94-087-1]

Canadian Border Ports; Baudette, MN

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are amending the animal importation regulations by adding Baudette, MN, as a Canadian border port for pet birds, poultry, horses, ruminants, swine, and germ plasm. We have determined that Baudette, MN, has inspection facilities which meet our